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CANADA'S POLITICS AND GOVERNMENT NEWSWEEKLY

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## Government says it won't reintroduce Clean Air Act

Government House Leader Peter Van Loan says Bill C-30 'doesn't resemble a bill that we recognize' and doesn't help the environment

By BEA VONGDOUANGCHANH

The environment will be a top priority for the government when Parliament returns on Oct. 16, but the Conservatives say they won't revive the politically explosive Clean Air and Climate Change Act and opposition parties are vowing not to let it die, setting the stage for some pointed political fall drama.

"This for us is an essential fight," NDP environment critic Nathan Cullen (Skeena-Bulkley Valley, B.C.) said last week in an interview with *The Hill Times*. "We are going to pull out all the stops to finish this story. The NDP started this and it looks like we're going to have to finish it as well."

Government House Leader Peter Van Loan (York-Simcoe, Ont.) told *The Hill Times* the environment is important but that Bill C-30, which the opposition parties dramatically amended at a special House of Commons legislative committee and renamed as the Clean Air and Climate Change Act, will not be on the list of bills to be revived on the Order Paper.

"I expect we'll see a focus on the environment in the Throne Speech," Mr. Van Loan said, "but, we're already moving to deliver real results on the environment and probably there's more that needs to be done, but we've already delivered more than [the Liberals] have in 13 years and we're going to continue that."

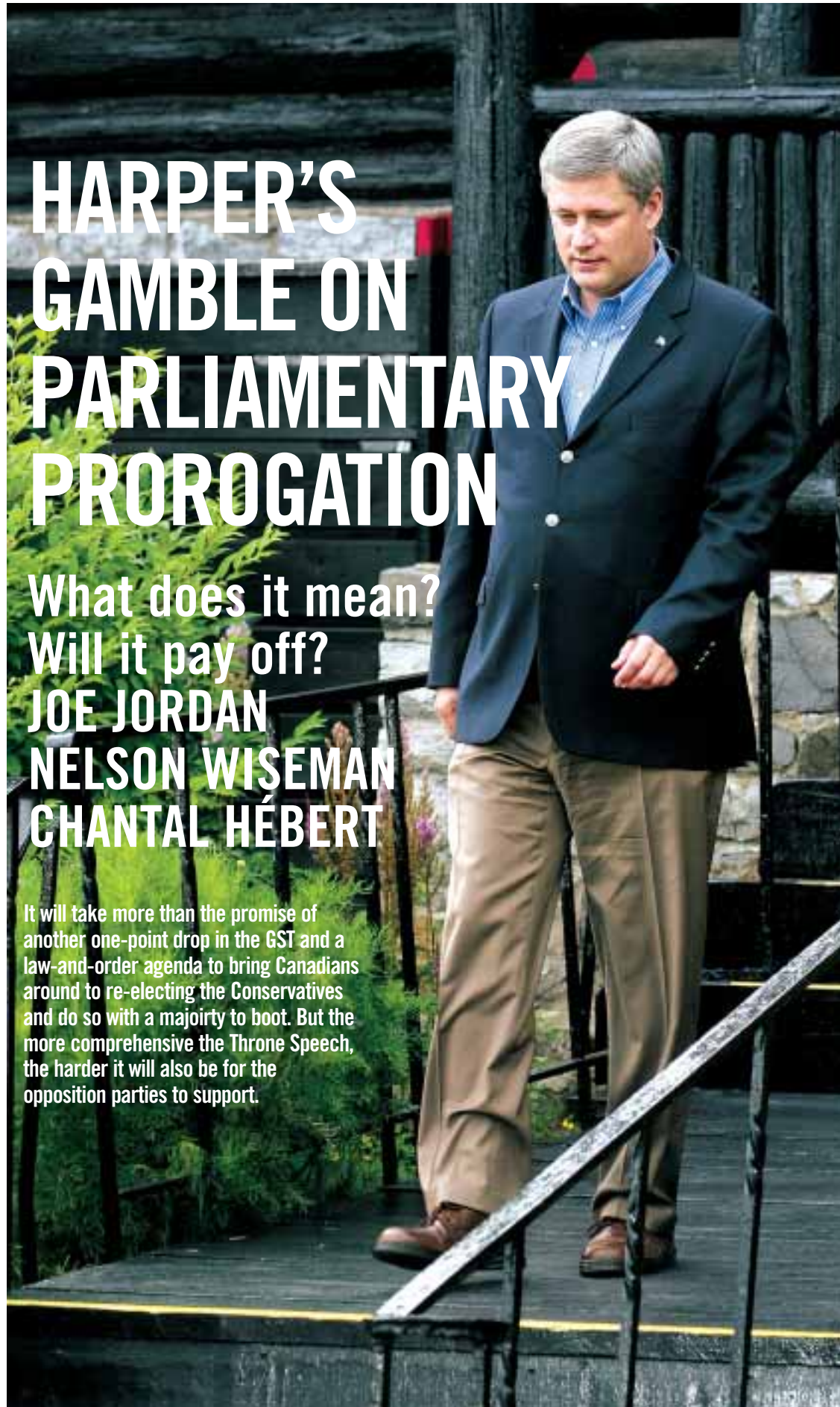
He said the amended bill, which died at report stage when Prime Minister Stephen Harper (Calgary Southwest, Alta.) prorogued Parliament, "doesn't resemble a bill that we recognize" and does not actually help the environment. "It really is just a bill now that focuses on the Liberals' failures over the past 13 years or so to do anything on the

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## HARPER'S GAMBLE ON PARLIAMENTARY PROROGATION

What does it mean?  
Will it pay off?  
JOE JORDAN  
NELSON WISEMAN  
CHANTAL HÉBERT

It will take more than the promise of another one-point drop in the GST and a law-and-order agenda to bring Canadians around to re-electing the Conservatives and do so with a majority to boot. But the more comprehensive the Throne Speech, the harder it will also be for the opposition parties to support.



Photograph by Jake Wright, *The Hill Times*

It's a risky business: Prime Minister Stephen Harper, pictured at Montebello, Que., last month. The more comprehensive the Throne Speech, the harder it will also be for the opposition parties to support. Read Chantal Hébert's column, p. 11.

## MacKay faces test to win trust of troops, form relationship with CDS

'It is a bucking bronco of a portfolio,' says one defence observer. 'Any minister who has been there will quickly find out he is being stonewalled.'

By ROBERT SMOL

In a country with a seemingly insatiable appetite for eating up its defence ministers, Peter MacKay's appointment to the Defence portfolio last month will stand as a test for his ability to maintain the trust of those in

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## Parliamentary expert likes 'robustness' of Question Period

David Smith says Question Period energy is good for democracy

By CHONGLU HUANG

David E. Smith is one close observer and expert of Parliament who doesn't mind the decorum in the House of Commons. In an interview on his new book, *The People's House of Commons: Theories of Democracy in Contention*, Prof. Smith said if you think the Canadian Parliament's decorum is bad, just take a look at Israel's.

"I like the robustness of Question Period. It's partly that energy that helps make the political system known to the viewer and the reader. Parliament is an institution and all members of

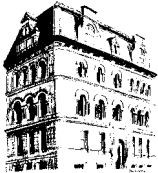
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# Legislation

## Van Loan still says Bill C-30 is an 'unlimited licence to pollute'

### Government says it will cut GHGs through current regulations in *Turning the Corner* plan

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environment. We have actually moved beyond it and put in place our *Turning the Corner* plan which will result in greenhouse gas reductions and takes action, so we don't see any reason to revive that bill," he said.

In addition, he said that the *Turning the Corner* plan, which was released in April, is a comprehensive environmental plan and the government doesn't see a reason to introduce any new legislative initiatives on the climate change front. "We're already implementing our plan to reduce greenhouse gases. It will be delivering real results and we don't see any reason to go back with a different bill," he said. "C-30, after it was amended by the Liberals, essentially creates, through the carbon tax plan,

an unlimited licence to pollute. People just have to pay a tax to the government and they can pollute as much as they want. We don't want that kind of approach. We actually want reductions in greenhouse gases and that's why the plan we're already proceeding with will deliver better results and we intend to move forward with it, well we already are moving forward with the plan."

**Pierre Sadik**, a senior policy adviser at the David Suzuki Foundation, said it's good the Conservatives are putting the environment on its agenda, but that they need to move beyond regulations. "There's been a lot of rhetoric on the environment, but when the rubber hits the road, the action has been disappointing," he said. "Environment has knocked health care off the position as No. 1 and this government has always kept a very close eye on the

polls. I think there's a very clear message for the government in the recent polls and that is that Canadians are not impressed by their foot-dragging on climate change and other environmental issues. I think the government would be wise to heed this message and start treating climate change and the environment seriously, to move beyond the rhetoric and let's see an introduction of meaningful policies and programs."

Liberal MP **David McGuinty** (Ottawa South, Ont.), his party's environment critic, said that it was "entirely predictable" that the government would not move forward on its own bill once it was amended. "This is all a ruse, a time-buying exercise, to provide cover so that they could engage with Washington and Canberra and other like-minded governments to try and desperately create momentum outside of the United Nations framework," Mr. McGuinty said. "Striking a legislative committee was simply a distraction.

There hasn't been a single good faith overture made by the Prime Minister or his two ministers of the environment or any front line minister on the climate change plan inherent in C-30."

Although all of the government bills that were on the Order Paper have died, the House Standing Orders allow the government to reintroduce bills at the stage they were at with the consent of the House. Opposition parties are demanding that C-30 be one of those bills, but say they are not ready to use it as a bargaining chip for support in helping to bring back other bills more important to the government, or for support in the Throne Speech.

"There are two issues at play. One is of confidence and whether Mr. Harper

'I expect we'll see a focus on the environment in the Throne Speech, but, we're already moving to deliver real results on the environment and probably there's more that needs to be done, but we've already delivered more than [the Liberals] have in 13 years and we're going to continue that.'—Government House Leader Peter Van Loan



**It's the environment stupid:** The environment is set to be a top priority when the House resumes Oct. 16. Clockwise from top: Environment Minister John Baird pictured with Green Party Leader Elizabeth May. NDP House Leader Libby Davies, Liberal environment critic David McGuinty and NDP MP Nathan Cullen, pictured with BQ MP Marcel Lussier, say the government's Clean Air Act, Bill C-30, should be revived on the Order Paper. Government House Leader Peter Van Loan says it won't be, however. Stay tuned for a potential showdown on the environment in the House.

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## LEGISLATIVE COLUMN

# 'Building stronger Canada,' will be fall theme

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wants an election or not. He could easily put a poison pill in the Throne Speech and he's good at doing that and that would ensure an election," Mr. Cullen said. "The other thing with bargaining, I mean, this is the right thing to do. We should revive C-30 and make this thing a reality. Why we would have to bargain down from that position doesn't make sense at all."

Liberal House Leader **Ralph Goodale** (Wascana, Sask.) said that his party will have to wait and see what's in the Throne Speech and what bills the government wants to revive before making any commitments to support anything. He added, however, that not only should **Bill C-30** be revived and on the Order Paper, the government needs to actually call it for debate instead of letting it sit on the Order Paper. "Putting it on the Order Paper again is not sufficient," he said. "It is the one

piece of legislation that proposes a concrete plan to fight climate change and it's a bill upon which at least three of the four parties in the House of Commons agree. It's been the subject of a lot of work, and we believe it needs to be reinstated on the Order Paper and it needs to be called for debate by the government so that it can receive the approval that it needs."

Mr. Cullen said that if the government doesn't bring back C-30, the NDP will try to reintroduce it as a private members' bill. "We'll likely be calling on the other parties to support a bill in a private members' version. We'll find ways to make this happen."

Mr. McGuinty said it's possible that a Liberal MP could also reintroduce it as a private member's bill. "It does not carry with it any royal recommendation. We were scrupulously careful to ensure that it was not a bill that carried a royal recommendation yet it could tell the government to pursue a really comprehensive climate change plan that was met with the support of all Parliamentarians but the Conservatives."

## Sovereignty, economy, federalism, crime and environment top government priorities this fall

Meanwhile, although Mr. Van Loan would not elaborate on the details of the upcoming Throne Speech and the Conservatives' priorities for the fall, he said, "The major themes that we've reflected to date firstly working to improve the lives of Canadian families is one theme that you can expect to be continued and the other major theme of building a stronger Canada will also be continued. So within the context of those themes you can expect there to be a more detailed agenda but you'll have to wait until Oct. 16."

When Prime Minister Harper shuffled his Cabinet on Aug. 14, however, he said that the government's priorities would include strengthening the federation, assert and defend Canadian sovereignty, keep the economy strong and taxes low, tackle crime, and protect the environment.

SES Research pollster **Nik Nanos** said all the priorities play to Conservative strengths. "I'm not really surprised they're focusing on Arctic sovereignty because what it allows is for the Prime Minister to try to draw a line in the sand to oppose **George Bush** on a specific issue. It's a good political move because what it does is diversifies the foreign policy message and diversifies it from the point of view of not focusing on Afghanistan but talking about other things," he said. "That's a good move."

Mr. Nanos said all of the priorities are the government's way of trying to attract or keep voters. He said the focus on

crime is to appeal to urban voters, whereas working on the economy is targeted towards families and middle income Canadians "who are concerned about jobs and prosperity and economic stability." Prime Minister Harper also wants to deal with federation issues "in order to allow themselves to reengage Quebecers," Mr. Nanos said.

As for the environment, Mr. Nanos said, "The environment is there because it is a top of mind issue and it's something that the conservatives want to manage so that they're not vulnerable."

Mr. Van Loan also said the government has not decided which bills they would like revived as of yet, and will be working with the other parties on it. "Obviously there's a process you have

to go through in order to revive bills at the same stage they were at. It needs a resolution of the House so we'll have to do that process with other parties because obviously we can't do that by ourselves."

The opposition House leaders said Mr. Van Loan has not contacted them yet for any consultation on the House agenda. Mr. Goodale and NDP House Leader **Libby Davies** (Vancouver East, B.C.) said they will also have to wait to see if they can support the government on reviving any bills.

"We'll have to see what the government proposes," Mr. Goodale said. "There has not been one peep of consultation or attempted cooperation on the part of the government since the House adjourned. Not a shred of effort to start that process. One would've thought that if the government were interested in some cooperation in some good will, in some effort to work together, they would've made some overtures by now. There's been nothing among House leaders so that's not very encouraging in terms of a signal going forward."

Ms. Davies also said there's been "no overture" from the government to discuss

House business. "There's an ultimatum in the media, saying, 'Well, we're not going to do this on this bill or forget that one,' and I heard, 'Well, of course, we want our justice bills,' well, let's get real here. Either you have a proper genuine discussion about what legislation there is, but we've got to understand that the NDP have things that we think are critical as well," she said.

Mr. Van Loan told *The Hill Times* that he "would be surprised" if there were no cooperation on reviving some bills. "If any of these bills had gotten to the stage that they got to it's because they have the support of the other parties," he said. "I'd be surprised, for example, why the NDP, having supported mandatory penalties for violent gun crimes, wouldn't support a motion to restore it to the stage it was at. Unless they intend to reverse dramatically their position on the bill, and I don't expect they will."

Ms. Davies said, however, that it's not a given that the NDP will automatically support all the bills. "I guess we'll have to see what develops," she said. "I can only be very clear that C-30 needs to come back and we're not going to just give agreement to other bills just because he wants it. In

fact some of the justice bills, we have a lot of concerns about. They're actually technically very problematic and so minimum you have to start with some sort of discussion, you have to start with a genuine discussion within a minority Parliament and until the Conservatives are willing to recognize that and put it on the table then I can't see that we're going to get very far at all, nowhere."

Meanwhile, there were five democratic reform bills on the Order Paper. The Conservatives made democratic reform, especially Senate reform, a priority in the spring session and although Mr. Van Loan, who's also the minister for democratic reform, could not say if those bills would be revived, he said the government still supports those issues. "We will have to evaluate how we do it, but the major thrust of democratic reform that we've supported to date, we expect to continue to support, so I will be looking to do that," he said.

The Conservatives introduced 67 bills in the first session of the 39th Parliament. Thirty-nine of them passed and 28 died on the Order Paper.

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*The Hill Times*

## GOVERNMENT BILLS THAT DIED ON THE ORDER PAPER

### House of Commons

- C-6 Aviation Safety Bill (third reading)
- C-7 Military Justice Bill (second reading)
- C-20 Airports and Transportation Appeal Tribunal Bill (second reading)
- C-21 Firearms Centre and Gun Registry Bill (second reading)
- C-27 Repeat Offenders Bill (committee)
- C-29 Air Canada Public Participation Act (second reading)
- C-30 Clean Air Act (report)
- C-32 Impaired Driving Bill (report)
- C-41 Competition Act (second reading)
- C-43 Senate Elections Bill (second reading)
- C-44 First Nations Human Rights Bill (committee)
- C-45 Seacoast and Inland Fisheries Sustainable Development Bill (second reading)
- C-53 Investment Disputes between States and Nationals of Other States Convention Bill (committee)
- C-54 Loan Accountability Bill (report)
- C-55 Extra Advanced Voting Days Bill (committee)
- C-56 Expanding House Seats Bill (second reading)

- C-57 Foreign Nationals Working in Canada Bill (committee)
- C-58 Railway Transportation Bill (committee)
- C-63 Compensation for Nuclear Damage Bill (second reading)
- C-64 Pilotage Bill (committee)

### Senate

- S-4 Senate Tenure Bill (awaiting Supreme Court of Canada ruling)
- C-10 Minimum Sentences for Firearms Crimes Bill (second reading)
- C-22 Age of Sexual Protection Bill (second reading)
- C-23 Criminal Procedure Bill (second reading)
- C-33 Income Tax Bill (second reading)
- C-35 Reverse Onus Bail Hearings Bill (second reading)
- C-51 Nunavik Inuit Land Claims Agreement Bill (committee)
- C-62 Wage Earner Protection Program Bill (second reading)

## BILLS PASSED IN THE 1ST SESSION OF THE 39TH PARLIAMENT

- C-2 Federal Accountability Act
- S-2 Hazardous Materials Information Review Act
- C-3 International Bridges and Tunnels Bill
- S-3 Military Sex Offenders Bill
- C-4 Elections Canada Act Mandatory Review
- C-5 Public Health Agency of Canada Bill
- S-5 Tax Conventions Implementation Act
- S-6 First Nations Land Management Act
- C-8 Money for the Public Service of Canada
- C-9 Conditional Sentencing Bill
- C-11 Transportation and Railway Safety Act
- C-12 Emergency Management Bill
- C-14 Adoption Bill
- C-13 Budget Implementation Bill
- C-15 Agricultural Marketing Programs Act
- C-16 Fixed Election Date Bill
- C-17 Judges' Salary and Benefits Bill
- C-18 DNA Identification Bill
- C-19 Street Racing Bill
- C-24 Softwood Lumber Bill
- C-25 Proceeds of Crime and Terrorist Financing Act Bill
- C-26 Pay Day Loans Bill
- C-28 Second Budget Implementation Act
- C-31 Voter Identification Bill
- C-37 Financial Institutions Bill
- C-34 First Nations Education in B.C. Bill
- C-38 Supplementary Estimates Implementation Bill
- C-39 Second Supplementary Estimates Implementation Bill
- C-40 Air Travellers Security Charge Act
- C-42 Amending the Quarantine Act
- C-46 Railway Back to Work Bill
- C-47 2010 Olympic Games Trademark Bill
- C-48 UN Anti-Corruption Bill
- C-49 2006-2007 Supplementary Estimates Bill
- C-50 2007-2008 Main Estimates Bill
- C-52 Budget Implementation Bill
- C-59 Unauthorized Recording of a Movie Bill
- C-60 Main Estimates
- C-61 Red Cross Society Trademark Bill